

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8510  
 OTHER MISDEMEANOR Mis ☐ District Office 5-26-77  
 FELONY Fel ☒

DAVIS, JOHN W. (22) (BOND)  
 543 So. 94th E. Ave.  
 Tulsa, OK 74112  
 (LAST, FIRST, MIDDLE)

Case Filed Mo. Day  
 03 02  
 No. of Def's  
 \*02  
 JUVENILE

77 - 00024 - 01

Yr. Docket No. Del.

U.S. MAG. CASE NO. 77-0019M-01

U.S. TITLE/SECTION  
 21:846

OFFENSES CHARGED  
 Conspiracy to distribute marihuana  
 (5 yrs. and/or \$15,000), WSPT of not  
 less than 2 yrs.)

ORIGINAL COUNTS  
 1

BAIL • RELEASE

Denied AMT ☐ Fugitive  
 Set ☐ Pers. Recog.

\$ 10 000 PSA conditions

Date 2-20-77 ☒ 10% Deposit  
☒ Surety Bond /C

☒ Bail Not Made ☐ Collateral  
☒ Status Changed (See Docket) ☐ 3rd Prty Cust Other

## II. KEY DATES & INTERVALS

ARREST or	INDICTMENT XX	ARRAIGNMENT	TRIAL
U.S. Custody Began 2-20-77	High Risk Date 3-2-77	3-10-77	Trial Set For 4-11-77
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea "	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL W/Drawn
First Appearance 2-20-77	In Charging District	Final Plea	Voir Dire <input checked="" type="checkbox"/> Trial Began <input checked="" type="checkbox"/> 4-11-77 Trial Ended 4-12-77

SUPERSEDING COUNTS

## SENTENCE

Disposition of Charges  
 5-26-77  
☒ Convicted ☒ On All Charges  
☐ Acquired ☐ On Lesser \* Offense(s)  
☐ Dismissed: ☐ WOP: ☐ WP  
☐ On Govern'ts Motion

MAGISTRATE		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued	2-18-77	HDC/8510	2-20-77	HDC/8510	<input type="checkbox"/> DISMISSED
	Return			2-25-77		<input checked="" type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued			2-24-77		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
	Served					
Arrest Warrant Issued		2-18-77	HDC/8510			
COMPLAINT		2-18-77	HDC/8510			
OFFENSE (In Complaint)						

Conspiracy to possess with intent to distribute marihuana

U.S. Attorney or Asst.

## ATTORNEYS

Defense: ☒ CJA, ☐ Ret: ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Ben F. Baker

Roy W. (Bud) Byars  
 500 West 7th St.  
 Tulsa, OK 74119

PH: 582-6261

\* Show last names and suffix numbers of other defendants on same indictment/information:

(2) GARY DeWAYNE PAGE

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
2-20-77		Jim Heslet appeared as counsel for deft. Davis for Initial appearance only. Deft. advised he would retain counsel for all future proceedings. (HDC-J)kt	
2-24-77	MO:	Upon recommendation of the Government, bond is reduced to permit deft. to deposit 10% of 10,000 cash. (HDC-J)kt	
2-24-77		Deft. released on 10% of \$10,000 cash bond. (CFB-Mag.)kt	
3-2		Record vote of the Grand Jury Concurring, fld. in Open Court. v	
3-2		Indictment, fld. in Open Court. Bond set at \$5,000.00, 10%. (H. Dale Cook, U.S. Dist. Judge)v	
3-3	MO:	Case set for ARRAIGNMENT & PLEA on 3-10-77 at 9:30 a.m. Deft. is granted 10 days from this date to file any and all motions; the government is then granted 5 days to respond. THIS CASE IS HEREBY SET FOR JURY TRIAL on 4-11-77 at 9:30 a.m. (HDC-J)v -ntc mld.	
2-24		Return on Warrant of Arrest re Deft. Davis, fld. Deft. Davis was arrested in Tulsa on 2-20-77. v	
3-10		Case called for arr. & plea. Deft. present & rep.; govt. rep. Deft. ack. receipt of indictment, is arraigned &	

DATE	77-CR-24 (DAVIS) (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				For Identifying Periods of Exclud- able Delay Per 18 U.S.C. 3161(h)
				Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	
		enters plea of NOT GUILTY to Ct. 1. Case set for Jury Trial 4-11-77 at 9:30 a.m.; deft. given until 3-13 to file motions; govt. until 3-18 to respond thereto. Deft. allowed to stand on present bond. (HDC-J)hm						A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
3-18-77	MO:	Case set for PT hearing 3-30-77 at 2:20 p.m. (HDC-J)hm (notices mailed)						B. NARA Examination (28 U.S.C. 2902).
3-30		Case called for PT hearing. Deft. present & rep.; govt. rep. Case heretofore set for J/T 4-11-77. Any req. instr. & voir dire to be filed by 4-7-77. Stipulations to be entered into by govt. & deft. counsel. (HDC-J)hm						C. State or Federal trials on other charges.
4-6		Subpoena to produce document or object ret. & fld. served Eddy Seals, Custodian of records Southwestern Bell on 4-5-77 in Tulsa. (USM \$2.12) ho						D. Interlocutory Appeals.
4-12		Case tried to a jury Apr. 11 & 12. Deft. present & rep.; govt. rep. Parties announce ready. Jury empaneled, admonished & sworn. Opening statements made. Pltf. presents case in chief w/test. of witnesses, introd. of exhibits & rests. Deft's mo/directed verdict denied. Deft. rests. Parties rest. Closing arguments made. Instructions given to the jury. Jury retires to deliberate at 10:45 a.m. 4-12-77. Jury returns w/verdict at 11:35 A.M. 4-12 finding the deft. guilty as charged in Ct. 1 of Ind. Verdict ordered received, read & filed in open court. Jury discharged. Deft. allowed to stand on present bond & case set for sentence 5-26-77 at 9:30 a.m. Over no obj. from deft., govt. allowed to withdraw ex. 1&2 & tape recorder, which is part of ex. 3. (HDC-J)hm						E. Hearings on pretrial motions.
4-12		Instructions to the jury, filed in open court. (HDC-J)hm						F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
4-12		Verdict, filed in open court, finding deft. guilty as charged in Ct. 1 of Ind. hm						G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
4-12		Trial exhibits, filed. (with file)hm						H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
5-26		Case called for sentencing. Deft. pre. & rep.; govt. rep. Parties asked if they care to say anything before sentence is pronounced, and nothing to the contrary - JUDGMENT AND COMMITMENT-JOHN W. DAVIS (Age 22) Attorney General - Three (3) Years It is further ordered that deft. is sentenced to a special parole term of three (3) years, to commence at expiration of sentence imposed herein. Deft. advised of right to appeal. Appeal bond set in amt. of \$10,000 C/S. Deft. remanded to custody of USM. (HDC-J)rm						I. Prosecution deferred by mutual agreement.
5-26		Judgment and Commitment, filed and entered. (HDC-J)rm						M. Unavailability of defendant or essential witness.
5-26		Two c.c. of J&C to USM. rm						N. Period of mental or physical incompetence of defendant to stand trial.
		(CONTD.)						O. Period of NARA Commitment or Treatment.
								P. Superseding indictment and/or new charges.
								R. Defendant awaiting trial of Co-defendant when no severance has been granted.
								T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
								U. Time between guilty plea and plea withdrawal.
								W. Grand Jury indictment extended per 3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1977</u>	(Document No.)				
6-2	Notice of appeal by def. from judg. of 5/26/77, filed. rm - copies to counsel and USCA				
6-2	Affidavit of deft. to appeal case in f.p., filed. rm (orig. to J)				
6-3	Order (as part of aff) filed, granting deft. leave to appeal as pauper. (HDC-J) rm-copies md.				
6-3	Appl. of deft. for disbursement of bond, filed. rm (O to J)				
6-3	Order, fld. disbursing cash bond in the amt. of \$1,000.00 to Marnie Eylar, Deft's. good friend. (HDC-J) ho cps mld. ho				
6-7	Designation of record on appeal, filed. rm				
7-8	Order, filed, extending time to transmit original appeal record to 8/31/77. (HDC-J) rm-copies to counsel and USCA				
7-22	Letter from 10th Circuit, assigning No. 77-1555. rm				
7-27	Original and two copies of Reporter's transcript of proceedings had on 3-10-77, arraignment & plea, on 4-11-77 & 4-12-77, jury trial, and on 5-26-77, sentencing, filed. (TGB-USCR)k				
7-28	Appeal record (2 vols., orig. & 3 copies) transmitted to USCA. rm				
8-5	J&C, ret. & fld: deft. delivered to FCI, Englewood, Col. 7-9-77. g				
3-30-78	Mandate and opinion of 10th Circuit, filed and spread of record, affirming ct.'s judg. of 5/26/77. rm (deft. already incarcerated)				
4-3-78	Orig. appeal record (2 vols) received from USCA. rm				
<u>1980</u>					
7-7-80	ORDER that special parole term imposed on deft in Ct I of indictment is hereby VACATED. (HDC-J) ra c/m to attys; cps to prob for distribution to deft and institution				

[illegible]

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1085 4 8510  
 OTHER MISDEMEANOR Mis ☐  
 FELONY Fel ☒ District Office 6-10-77

vs. PAGE, GARY DeWAYNE (25) (Bond)  
 2735 E. 55th Pl., Tulsa, OK 74105  
 PH: 742-0082  
 (LAST, FIRST, MIDDLE)

Case Filed  
 Mo. Day  
 03 02  
 No. of Def's  
 \* 2  
 JUVENILE

77 - 00024 - 02

U.S. MAG. CASE NO. 77-0019M-02

BAIL • RELEASE

☐ AMT ☐ Fugitive  
 Denied Set ☐ Pers. Recog.  
☐ PSA  
 \$ 10 000 conditions  
 Date 2-18-77  
☐ 10% Deposit  
☒ Surety Bond / C  
☒ Bail Not Made  
☒ Status Changed (See Docket)  
☐ Collateral  
☐ 3rd Prty Cust  
☐ Other

U.S. TITLE/SECTION

21:846

OFFENSES CHARGED

Conspiracy to distribute marihuana  
 (5 yrs. and/or \$15,000), WSPT of 2 yrs.  
 Distribution of marihuana ea. Ct.

ORIGINAL COUNTS

1

2

## II. KEY DATES & INTERVALS

ARREST or	INDICTMENT XX	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 2-18-77	High Risk Date 3-2-77	3-10-77	Trial Set For 4-11-77	6-10-77
Summons Served	Indict. Waived	1st Plea "	Voir Dire	Disposition of Charges
First Appearance 2-18-77	In Charging District	Final Plea 05-09-77	Trial Began	<input checked="" type="checkbox"/> Convicted
	Superseding <input type="checkbox"/> Indict/Info		Trial Ended	<input type="checkbox"/> Acquitted
				<input checked="" type="checkbox"/> Dismissed:

SUPERSEDING COUNTS

☒ On Government's Motion / ct. 2

MAGISTRATE		DATE	INITIAL/NO.	INITIAL/NO.	OUTCOME:
Search Warrant	Issued			INITIAL APPEARANCE DATE	2-18-77 HDC/8510
	Return			PRELIMINARY EXAMINATION	Date 2-25-77
Summons	Issued			OR	Waived 2-25-77
	Served			REMOVAL HEARING	
Arrest Warrant Issued		2-18-77	HDC/8510	<input checked="" type="checkbox"/> WAIVED	
COMPLAINT		2-18-77	HDC/8510	<input type="checkbox"/> NOT WAIVED	
OFFENSE (In Complaint)				<input type="checkbox"/> INTERVENING INDICTMENT	
		Conspiracy to distribute marihuana			

U.S. Attorney or Asst.

Ben F. Baker  
 Asst. U.S. Attorney

ATTORNEYS

Defense: ☐ CJA, ☒ Ret; ☐ Waived, ☐ Self, ☐ None / Other, ☐ PD, ☐ CD

Curtis A. Parks  
 1736 South Carson  
 Tulsa, OK 74119

PH: 587-7113

\* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
2-25-77	(1) JOHN W. DAVIS	MO: On recommendation of Ben F. Baker, AUSA, bail is reduced to permit deft. to post 10% of \$5,000 cash. (HDC-J)kt	
2-25		Appearance Bond of Deft. Page in the amount of \$5,000.00, 10%, fld. w/conditions of release. (Chas. F. Burns, Mag.)v	
3-2		Record vote of the Grand Jury Concurring, fld. in Open Court. v	
3-2		Indictment, fld. in Open Court. Bond set at \$5,000.00, 10%. (H. Dale Cook, U.S. Dist. Judge)v	
3-3		MO: Case set for ARRAIGNMENT & PLEA on 3-10-77 at 9:30 a.m. Deft. is granted 10 days from this date to file any and all pretrial motions; the Government is then granted 5 days to file their response. THIS CASE IS HEREBY SET FOR JURY TRIAL on 4-11-77 at 9:30 a.m. (HDC-J)v -ntc mld.	
2-24		Return on warrant of arrest of Deft. Page, fld. Deft arrested in Tulsa, OK, on 2-18-77. v	
3-10		Case called for arr. & plea. Deft. present & rep.; govt. rep. Deft. ack. receipt of indictment, is arraigned &	

DATE	77-CR-24 (PAGE) (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY			
				Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
		enters pleas of NOT GUILTY to Cts. 1&2. Case set for Jury Trial 4-11-77 at 9:30 a.m. Deft. given until 3-13 to file motions; govt. until 3-18 to respond. Deft. allowed to stand on present bond. (HDC-J)hm					
3-18-77	MO: Case set for PT hearing 3-30-77 at 2:20 p.m. (HDC-J)hm (notices mailed)						
3-30	Pre-trial hearing held. Deft. present & rep.; govt. rep. Deft. announces he will waive jury. Waiver of jury signed & filed in open court. Case set for non-jury trial 5-9-77 at 9:30 a.m. (HDC-J)hm						
4-6	Subpoena to produce document or object ret. & fld. Served Eddy Seals, Custodian of records Southwestern Bell on 4-5-77 in Tulsa. (USM \$2.12) ho						
5-9	Case called for non-jury trial. Deft. present and rep.; govt. rep. Deft. advises that he desires to withdraw his Not Guilty Plea as to Ct. 1. Deft. ack. receipt of indictment. Indictment read. Deft. sworn and signs Petition to Enter Plea of Guilty. Deft. withdraws plea of Not Guilty as to Ct. 1 and enters plea of GUILTY as to Ct. 1. Deft. sworn and testifies, and is adjudged guilty as charged in Ct. 1. Govt. to file formal motion for dismissal of Ct. 2 at later date. Pre-sentence report ordered. Sentence set for 6/10/77 at 9:30 a.m. Deft. to stand on present bond. (HDC-J)rm <i>notices and</i>						
5-9	Petition to enter plea of guilty and Order entering plea, filed in open ct. (HDC-J)rm						
5-17	MO: Case reset for sentencing for 6/10/77 at 9:00 a.m. (HDC-J)rm-notices						
6-10	Case called for sentencing. Deft. present & rep. Govt. represented. Deft. & counsel asked if they have anything to say before sentence is pronounced: Judgment & Sentence - GARY DeWAYNE PAGE (25) Atty. Gen - Three (3) years as to Ct. 1, w/ Special Parole Term of Four (4) years. Upon the govt's motion, Ct. 2 is hereby dismissed. Order of dismissal as to Ct. 2 signed & filed in open Ct. Deft. remanded to custody of US Marshal. (HDC-J)ph						
6-10	Judgment & Commitment, filed & entered. (HDC-J)ph						
6-10	Two cert. copies of J&C to USM. ph						
6-10	Two cert. copies of J&C to US Probation. ph						
7-6	Deft's appl. to exonerate bond, filed. ph (O to J)						
7-6	J&C, ret. & filed: deft. delivered to FCI, El Reno, Ok. on 6-29-77. g						
7-7	Order of disbursement of bond money to Sarah Page in amt. of \$500.00, filed. (HDC-J)rm						

For Identifying  
Periods of Exclud-  
able Delay Per 18  
U.S.C. 3161(h)A. Examination or  
hearing for  
mental or  
physical in-  
capacity (18  
U.S.C. 4244).B. NARA Exami-  
nation (28  
U.S.C. 2902).C. State or Federal  
trials on other  
charges.D. Interlocutory  
Appeals.E. Hearings on  
pretrial motions.F. Transfers from  
other districts  
(per F.R.Cr.P.  
Rules 20, 21  
& 40).G. Defendant Mo-  
tion is actually  
under advisement. Period of  
up to 30 days  
is excludable  
per  
3161(h) (1) (G).H. Miscellaneous  
Proceedings:  
Probation or  
Parole revoca-  
tion, Deporta-  
tion,  
Extradition.I. Prosecution de-  
ferred by  
mutual agree-  
ment.M. Unavailability  
of defendant  
or essential  
witness.N. Period of men-  
tal or physical  
incompetence  
of defendant to  
stand trial.O. Period of  
NARA Com-  
mitment or  
Treatment.P. Superseding  
indictment  
and/or new  
charges.R. Defendant  
awaiting trial  
of Co-defen-  
dant when no  
severance has  
been granted.T. Continuances  
Granted per  
3161(n) (5)  
(i.e. ends of  
justice or com-  
plexity of case  
outweighs de-  
fendants'  
interests).U. Time between  
guilty plea and  
plea with-  
drawal.W. Grand Jury in-  
dictment ex-  
tended per  
3161 (b).

## FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7-2-80	ORDER entered that spec. parole term heretofore imposed on deft. in Ct. of Ind. is vacated. (HDC-J)hm (cps. mld attys & prob. office)				
<u>1983</u> 3-24	EXHIBITS returned to pltf counsel. hm				

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
	(Document No.)	(a)	(b)	(c)	(d)